



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0603**

December 13, 2021

The Honorable Deb Haaland  
Secretary  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Pete Buttigieg  
Secretary  
Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Dear Secretary Haaland and Secretary Buttigieg,

We strongly oppose the Federal Aviation Administration's (FAA) and the National Park Service's (NPS) current 15 draft Air Tour Management Plans (ATMPs) and have serious concerns with how your agencies are handling efforts to establish ATMPs at 24 national parks and monuments.<sup>1</sup> After 20 years of bickering and bureaucratic turf wars between FAA and NPS, the U.S. Court of Appeals for the D.C. Circuit ruled that both agencies have two years to implement new ATMPs.<sup>2</sup> While we understand both agencies' desire to comply with the Court's directives, the flawed plans put forth by NPS and FAA will cause adverse economic consequences, compromise safety, reduce access to national parks for seniors and the disabled, and may even diminish efforts to combat catastrophic wildfires. Contrary to federal law, the plans were also developed without the consultation of impacted stakeholders and undermine Congressional intent. Furthermore, your agencies fail to make a legitimate case for eliminating 8,984 flight allocations in the first 15 ATMPs.

In short, we fully support the continuation and expansion of air tours at the 24 parks and monuments currently under review and oppose the current draft plans for the following reasons:

***Bureaucratic Overreach and Economic Concerns***

The original ATMPs made no mention of reducing flight allocations for air tour operators. Shockingly, however, the first 15 of the 24 draft ATMPs for these national parks under review propose to eliminate 8,984 flight allocations.<sup>3</sup>

Some draft ATMPs also propose to require flight routes at excessive heights of 13,500 feet or above. This new requirement could necessitate onboard oxygen for all passengers thereby drastically increasing costs for air tour operators.<sup>4</sup>

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<sup>1</sup> <https://www.nps.gov/subjects/sound/airtours.htm>

<sup>2</sup> [https://peer.org/wp-content/uploads/2020/05/5\\_1\\_20-Court-Decision-Overflights.pdf](https://peer.org/wp-content/uploads/2020/05/5_1_20-Court-Decision-Overflights.pdf)

<sup>3</sup> [https://www.faa.gov/about/office\\_org/headquarters\\_offices/ara/programs/air\\_tour\\_management\\_plan](https://www.faa.gov/about/office_org/headquarters_offices/ara/programs/air_tour_management_plan)

<sup>4</sup> 10/1/21 letter from Utah Governor's Public Lands Policy Coordinating Office to NPS

In addition, air tour operators took out loans, including federal loans, and made significant investments in modifying equipment to comply with federal laws and regulations. Flight allocations are a measure of value for air tour operators' businesses and any reduction in the number of flight allocations will have negative impacts on the long-term health of their business.<sup>5</sup>

### ***Failure to Consult with Impacted Stakeholders***

During the ATMP drafting process, the FAA and NPS opted for a government-to-government tribal consultation, but excluded the National Parks Overflight Advisory Group (NPOAG), state and local governments, and other interested parties.<sup>6</sup> The National Parks Air Tour Management Act explicitly requires the FAA and the NPS to hold "at least one public meeting with interested parties to develop the air tour management plan."<sup>7</sup> Shamefully, despite repeated requests to participate, those facing negative impacts by these changes were excluded from the decision making process.<sup>8</sup> Many of the issues contained in the draft ATMPs are exactly the kind of information that NPOAG and other stakeholders could have conveyed to your agencies had you included them in the planning process.

### ***Safety Concerns***

NPOAG, a Congressionally created rulemaking committee, provides expert advice and recommendations to the agencies on implementing the National Park Air Tour Management Act of 2000 with respect to commercial air tour operations over and near national parks.<sup>9</sup> Sidestepping this important group undeniably compromises key FAA safety considerations.

For example, the draft ATMP for Bryce Canyon National Park creates an extreme safety concern. This flawed draft plan proposes stacking fixed and rotary wing aircraft at the same elevation on almost identical routes at the same time of day. Aerial collisions could occur as fixed and rotary wing aircraft descend and climb through each other's paths.<sup>10</sup>

The draft ATMP for Arches National Park seemingly ignores common sense. Despite Arches National Park's location less than two miles from the Canyonlands Regional Airport, the draft plan requires the use of a different frequency than the common traffic advisory frequency used by the airport.<sup>11</sup>

### ***Undermines Congressional Intent***

In 2012, Congress passed legislation with strong bipartisan support that required the FAA to

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<sup>5</sup> 9/14/21 letter from Helivision/Bryce Canyon Airlines

<sup>6</sup> <https://rotor.org/wp-content/uploads/2021/10/HAI-letter-on-ATMP-Oct-2021.pdf>

<sup>7</sup> 49 U.S.C.A § 40128 (b)(4)

<sup>8</sup> 9/14/21 letter from Helivision/Bryce Canyon Airlines

<sup>9</sup> <https://www.faa.gov/sites/faa.gov/files/2021-11/NPOAG-Members-Terms.pdf>

<sup>10</sup> <https://rotor.org/wp-content/uploads/2021/10/HAI-letter-on-ATMP-Oct-2021.pdf>

<sup>11</sup> <https://rotor.org/wp-content/uploads/2021/10/HAI-letter-on-ATMP-Oct-2021.pdf>

provide incentives, including significantly increasing flight allocations, for air tour operators that invested tens of millions of dollars in quiet aircraft technology.<sup>12</sup> As a result of this clear direction from Congress and substantial investment from the private sector, in February 2014, the FAA announced more than 1,700 additional quiet flight allocations per year over Grand Canyon National Park.<sup>13</sup> There is no justifiable reason to significantly reduce flight allocations as proposed in many of the draft plans, especially given Congress's and the American peoples' desire to maintain or significantly increase current flight allocations.

### ***Reducing Access for Seniors and the Disabled***

Air tour operators provide an important service for our disabled and elderly communities, allowing them to fully enjoy the great outdoors and our national parks in a way they otherwise could not.<sup>14</sup> Capping air tours at the reduced levels proposed by NPS and the FAA will prevent demand from seniors and the disability community from being met.

### ***Ignores Contributions to Combatting Dangerous Wildfires***

Numerous air tour operators provide essential wildfire suppression and active management services that help prevent and extinguish catastrophic wildfires. In some instances, 30% of air tour operators' businesses come from providing these services.<sup>15</sup> Representatives from industry have indicated that without the commercial air tours portion of their business, the federal contracting wildfire portion is not economically sustainable and would be terminated.<sup>16</sup> Considering the massive wildfires that have plagued the nation in recent years, losing these essential services would be another unnecessary and preventable blunder.

### ***Conclusion***

While the court imposed a two-year deadline, both the FAA and the NPS bear responsibility for a two-decade protracted process. Excluding NPOAG and other interested stakeholders in the process jeopardizes the safety of the National Airspace, reduces access for seniors and the disabled, compromises safety, causes economic harms, undermines the will of Congress, and ignores important efforts to combat catastrophic wildfires.

We request that your agencies discard any draft ATMPs that drastically reduces flight allocations or ignore consultation with air tour operators and interested parties, as required by federal law.

We also ask that your agencies please provide answers within 30 days of receipt of this letter to the following questions:

(1) Why was NPOAG excluded from the planning process and developing the proposed plans?

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<sup>12</sup> Public Law No: 112-141

<sup>13</sup> <https://gosar.house.gov/news/documentsingle.aspx?DocumentID=2208>

<sup>14</sup> 10/1/21 letter from Utah Governor's Public Lands Policy Coordinating Office to NPS

<sup>15</sup> 12/5/21 briefing provided for Members of the Congressional Western Caucus by Papillon

<sup>16</sup> 12/5/21 briefing provided for Members of the Congressional Western Caucus by Papillon

- (2) Why were states, local governments and other interested parties excluded from the planning process and developing the proposed plans?
- (3) What considerations were given to the elderly and disabled to view national parks in light of the reduced flight allocations for air tour operators?
- (4) How did your agencies determine that it was necessary to drastically reduce flight allocations in your draft ATMPs?
- (5) What agencies were included when structuring the routes over each park? How did you evaluate the safety of the routes?
- (6) What economic analysis and evaluations were conducted to ensure that a viable air tour industry can prevail under each ATMP?

Sincerely,



Lauren Boebert  
Member of Congress



Doug Lamborn  
Member of Congress



Paul Gosar D.D.S  
Member of Congress



Dan Newhouse  
Member of Congress



Jerry Carl  
Member of Congress



Jason Smith  
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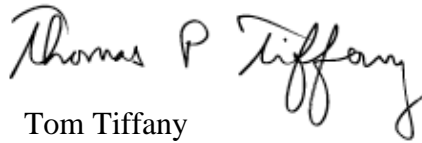
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cc: Charles Sams, III, Director, National Park Service  
Steve Dickson, Administrator, Federal Aviation Administration